

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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JONATHAN REINSCHMIDT, M.D.,

Plaintiff,

v.

**ORDER**  
13-CV-1153-A

EXIGENCE LLC (Del.); et al.,

Defendants.

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The above-referenced case was referred to Magistrate Judge Jeremiah J. McCarthy pursuant to 28 U.S.C. § 636(b)(1) for the conduct of pretrial proceedings. On April 21, 2014, Magistrate Judge McCarthy filed a Report and Recommendation (Dkt. No. 16) recommending that the action be dismissed for lack of subject matter jurisdiction, and that the pending motions (Dkt. Nos. 7, 8 and 9) be denied as moot, without prejudice.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and no objections having been timely filed, it is hereby

**ORDERED**, pursuant to 28 U.S.C. § 636(b)(1), for the reasons set forth in Magistrate Judge McCarthy's Report and Recommendation (Dkt. No. 16), this matter is dismissed for lack of subject matter jurisdiction, and the pending motions (Dkt. Nos. 7, 8 and 9) are denied as moot, without prejudice to renewal.

The Clerk of Court shall take all steps necessary to close the case.

**IT IS SO ORDERED.**

*Richard J. Arcara*  
HONORABLE RICHARD J. ARCARA  
UNITED STATES DISTRICT COURT

Dated: May 19 , 2014